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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,471	07/10/2003	Donald J. Stavely	200309974-1	3934

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EXAMINER

PERKEY, WILLIAM B

ART UNIT PAPER NUMBER

2851

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/617,471	Applicant(s) STAVELY, DONALD J.	
	Examiner William B. Perkey	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-54 is/are allowed.
- 6) ☒ Claim(s) 55-58 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 071003. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowland (U.S. Patent No. 4,774,589) in view of Matsuzawa (U.S. Patent No. 5,534,967).

Rowland shows a camera by reference numeral 30 in Fig. 9 and an inertial mass as element 24. Rowland does not show a rate gyroscope. Instead Rowland discloses a meter needle to measure the camera rotation. Matsuzawa in column 1 lines 17-22 discloses several conventional means to measure camera rotation, including a rate gyroscope. It would have been obvious to one of ordinary skill in the art to substitute a rate gyroscope to measure the camera rotation for the meter needle of Rowland as rate gyroscopes were known alternative means of measuring camera rotation at the time of applicant's invention.

3. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwaibana et al (U.S. Patent No. 4,862,277) in view of Rowland (U.S. Patent No. 4,774,589).

Iwaibana discloses a digital camera 4 with logic elements 5 and 6 in Fig. 3 that measures rotation of the camera by analyzing successive digital images taken by the camera. Iwaibana does not show an inertial mass generating reaction torque to counter the camera rotation. Rowland teaches providing a camera with inertial mass 24 to compensate the shake of a camera. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention

to provide the camera of Iwaibana with an inertial mass control system to counter the camera shake in order to obtain the desirable feature of non-blurred pictures.

4. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowland (U.S. Patent No. 4,774,589) in view of Fujisaki (U.S. Patent No. 5,809,346).

5. Rowland discloses a camera having an inertial mass 24 that is accelerated to counter camera rotation. Thus, Rowland discloses the claimed invention except for not accelerating the inertial mass when the speed of camera rotation exceeds a predetermined value. Fujisaki teaches that when the amount of camera rotation in a given time interval is above a predetermined level (i.e. speed of camera rotation is above a predetermined level), panning of the camera is detected and the camera shake compensation device is turned off. It would have been obvious to one of ordinary skill in the art to provide the camera of Rowland with a pan operation detection device that detects whether the speed of camera rotation is above a predetermined level; and if it is, to turn off the motor to the inertial mass 24 in order to obtain the desirable feature of proper panning effect.

6. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowland (U.S. Patent No. 4,774,589) in view of Matsuzawa (U.S. Patent No. 5,534,967).

Rowland discloses an inertial mass 24 to counter camera rotation. Thus, Rowland shows the claimed invention except for "an average speed measured over a predetermined preceding interval". Matsuzawa discloses several conventional devices to detect camera rotation in column 1 lines 17-22. At least the acceleration sensor requires integration over a period of time of the detected signal to detect the amount of camera rotation and thus appears to meet language such as "average speed measured over a predetermined preceding interval". It would have been

obvious to one of ordinary skill in the art to use a conventional acceleration sensor in Rowland in lieu of the meter needle in order to obtain the desirable feature of using available off the shelf components currently available to the make of the device.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 58 is rejected under both the first and second paragraphs of 35 USC 112 as the claim language “an average speed measured over a predetermined preceding interval” is not found in the detailed written description. Thus, it cannot be determined what disclosed structure supports this functional language or how one is to make and build this functional language or what the metes and bounds of this functional is.

Allowable Subject Matter


10. Claims 1-54 are allowed. The primary reason for allowance of claims 1-16, 33-42, 54 is the claim limitation for a capacitor that stores energy for driving the motor or for producing energy to accelerate an inertial element. The primary reason for allowance of claims 17-32, 43-53 is the claim limitation for a solenoid core.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (703) 308-1708. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



William B. Perkey
Primary Examiner
Art Unit 2851

WBP:wbp